

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DO NO HARM,)
)
Plaintiff,)
)
v.) Case No. 3:23-cv-01175
)
WILLIAM LEE, in his official capacity as)
Governor of the State of Tennessee,)
)
Defendant.)

DEFENDANT'S MOTION TO DISMISS

Defendant William Lee, in his official capacity as Governor of the State of Tennessee, respectfully requests that Plaintiff's Complaint be dismissed pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. As discussed in Defendant's separate Memorandum of Law, Plaintiff lacks standing because it (1) fails to identify a particular member the challenged laws have allegedly injured, (2) lacks a cognizable injury to any members or to itself as an organization, and (3) asserts claims that are unripe.

Accordingly, this Court should grant Defendant's motion to dismiss and dismiss Plaintiff's Complaint in its entirety.

Respectfully submitted,

JONATHAN SKRMETTI
Attorney General & Reporter

/s/ Reed N. Smith
Reed N. Smith (BPR# 040059)
Assistant Attorney General

Trenton Meriwether (BPR# 038577)
Office of the Tennessee Attorney General
Healthcare Division
P.O. Box 20207
Nashville, Tennessee 37202
(615) 741-9593
reed.smith@ag.tn.gov
trenton.meriwether@ag.tn.gov

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via this Court's electronic filing system on this 2nd day of February 2024.

Daniel J. Turklay (BPR# 034600)
TURKLAY LAW
11205 Lebanon Rd #51
Mt. Juliet, TN 37122
P: (615) 838-5903
F: (888) 868-0014
daniel@turklaylaw.com

Joshua P. Thompson (CA Bar# 250955)
PACIFIC LEGAL FOUNDATION
555 Capitol Mall, Suite 1290
Sacramento, CA 95814
P: (916) 419-7111
JThompson@pacificlegal.org

Laura D'Agostino (VA Bar# 91556)
PACIFIC LEGAL FOUNDATION
3100 Clarendon Boulevard, Suite 1000
Arlington, VA 22201
P: (202) 888-6881
LDAgostino@pacificlegal.org

Attorneys for Plaintiff

/s/ Reed N. Smith
REED N. SMITH
Assistant Attorney General